IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 460 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SUDHIRBHAI CHAMANLAL SHAH

Versus

VIJAYKUMAR HASMUKHLAL GHEEWALA

Appearance:

1. Appeal from Order No. 460 of 2000

MR HARSHAD J SHAH for Appellant No.

MR KK TRIVEDI for Respondent No. 1

RULE SERVED for Respondent No. 2,4

MR KV SHELAT for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/01/2005

ORAL JUDGEMENT

1. This Appeal from Order is directed against the

order dated 28th September, 2000 below Exh. 5 in Special Civil Suit No. 333 of 2000 passed by the learned Civil Judge (S.D.) Surat, whereby the Court has passed the following order :-

"This application is hereby partly allowed.

Ad-interim injunction as prayed in prayer clause para 12 (1) is rejected.

Ad-interim injunction as prayed in para 12 (2) is granted only against defendant no. 4 i.e. defendant no. 4 is hereby restrained from selling, gifting, mortgaging or in anyway transferring or assigning the suit shop No. 1 till final disposal of the suit.

Defendants no. 1 to 3 are directed to maintain status-quo position of the suit shop, till final disposal of the suit.

No order as to costs"

2. Mr. Shelat learned advocate for respondent no. 3 has submitted that respondent no. 3 has also filed suit being Regular Civil Suit No. 500/99, wherein injunction order is operating against the appellant.

3. I have heard the learned advocates for the respective parties and have perused the relevant record. This Court while admitting the matter, has stayed the order passed by the trial Court and thereafter the said order was confirmed. However, looking to the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit along with Regular Civil Suit No. 500/1999.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suit No.333 of 2000 alongwith Regular Civil Suit No. 500 of 1999 as expeditiously as possible and preferably within a period of two years from the date of receipt of writ of this order.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the suits are finally disposed of.

[K. S. JHAVERI, J.]

/phalguni/